

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN LECHER-ZAPATA, )  
Plaintiff, ) 8:05CV440  
v. ) MEMORANDUM AND ORDER  
CONSTRUCTION AND GENERAL )  
LABORERS UNION, LOCAL 1329, )  
et al., )  
Defendants. )

This matter is before the court on filing no. 3, the Memorandum and Order and Order to Show Cause of October 26, 2005, in which I stated in pertinent part:

1. That the defendants' Motion to Dismiss is denied;
2. That, because the record reveals no minimum contacts whatsoever between the defendants and the forum, the plaintiff shall file a Response to Order to Show Cause by **November 15, 2005**, stating any reason he may have why this case should not be transferred to the United States District Court for the Western District of Michigan; and
3. That in the absence of a timely and sufficient showing by the plaintiff, this case will be subject, without further notice, to transfer to the United States District Court for the Western District of Michigan.

The plaintiff has filed no response. 28 U.S.C. § 1404(a) states: "For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought." The events which form the basis of the plaintiff's complaint took place in the Western District of Michigan, and the defendants are located there. The action could have been brought in a court in that district. 28 U.S.C. § 1404(a) affords the district court considerable

discretion in deciding whether to transfer venue. Terra International, Inc. v. Mississippi Chemical Corp., 119 F.3d 688, 697 (8<sup>th</sup> Cir.), cert. denied, 118 S. Ct. 629 (1997).

THEREFORE, IT IS ORDERED:

1. That pursuant to 28 U.S.C. § 1404(a), this case is transferred to the United States District Court for the Western District of Michigan;
2. That this case shall be closed for statistical purposes by the Clerk of Court for the District of Nebraska;
3. That the Clerk of Court for the District of Nebraska shall deliver the record of this case in a form, whether electronic or otherwise, which is acceptable to the transferee court; and
4. That the Clerk of Court for the District of Nebraska shall send a copy of this Memorandum and Order to all parties.

DATED this 21st day of November, 2005.

BY THE COURT:

s/ Joseph F. Bataillon  
JOSEPH F. BATAILLON  
Chief District Judge